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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   AQUARIAN FOUNDATION,

Case No. C19-1879RSM

10                  Plaintiff,

ORDER RE: PLAINTIFF'S MOTIONS IN  
11                  LIMINE

12                  v.

13                   BRUCE KIMBERLY LOWNDES,

14                  Defendant.

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16                  This matter comes before the Court on Plaintiff Aquarian Foundation's Motions in  
17                  Limine, Dkt. #221. For the reasons below, these Motions are GRANTED, DENIED, and  
18                  DEFERRED as stated below.

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20                  1. Aquarian moves to exclude discussions of settlement pursuant to FRE 408. Defendant  
21                  agrees. GRANTED.

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23                  2. Aquarian moves for a ruling that "the Church's ownership in the Works may not be  
24                  refuted." Defendant has no objection as to the Works identified in Dkt. #204-4  
25                  ("Copyright Registration Chart"). Defendant objects as to the application of this motion  
26                  to trademark issues or unregistered proprietary works. The Court finds no evidentiary  
27                  basis to issue a new ruling on this issue and expects the parties to follow the Court's  
28                  prior rulings on this issue. DENIED.

3. Aquarian moves to exclude discussions of Plaintiff's purported health conditions under FRE 403. The Court finds that it can weigh the relevance of health issues at trial on a case-by-case basis without prejudicing itself. There is no jury in this bench trial.  
**DENIED.**

4. Aquarian moves to exclude “any evidence not previously disclosed in discovery.” Defendant argues that both sides failed to properly disclose evidence and that Aquarian has failed to demonstrate prejudice. The Court doubts Aquarian has been prejudiced by the late disclosure of evidence given the trial continuances in this matter, and Aquarian fails to discuss prejudice in any detail. The Court can rule on the admissibility of individual exhibits at trial. DEFERRED.

Having considered the briefing from the parties and the remainder of the record, the Court hereby finds and ORDERS that Plaintiff Aquarian Foundation's Motions in Limine, Dkt. #221, are GRANTED, DENIED, and DEFERRED as stated above.

DATED this 20<sup>th</sup> day of April, 2022.

Ricardo S. Martinez  
RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE